

## **7. PUBLIC HEARINGS**

Attached for your reference please find information related to three (3) scheduled public hearings.

**A. CONDITIONAL USE PERMIT  
MATTHEW W. CROWDER**

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by Matthew W. Crowder, applicant, on behalf of FIATP Timber LLC, owner, for a Conditional Use Permit for the extraction and processing of sand on property known as Tax Parcel 92-23. The land is 424 acres in size and is located approximately 630' west of Delaware Road (Rt. 687) and approximately 1,500' south of General Thomas Highway (Rt. 671).

The notice of this public hearing was published in the Tidewater News on October 7 and October 14, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on September 13, 2012, the Southampton County Planning Commission voted unanimously to recommend approval of the request, subject to twelve conditions offered by the applicant.

After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered and may act upon the matter or defer action until such time as it deems appropriate.

Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views.

**MOTION REQUIRED:**

**If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and issue the conditional use permit.**

## **CUP 2012:03**

FIATP Timber, LLC, owner

R. Edward Railey III, representative for Matthew W. Crowder, applicant

Application Request: Conditional Use Permit

### **IDENTIFICATION AND LOCATION INFORMATION**

Comprehensive  
Plan designation: Agricultural/Forest/Open Space/Rural Residential

Zoning designation: A-1, Agricultural

Acreage: Total acreage, 384.5 acres  
Area to be mined, 150 acres +/-

Current Use: Forestry and former sand mine for International Paper

Tax Map No.: TP 92-23

Location: Approximately 630' west of Delaware Road (Rt. 687) and approximately 1,500' south of General Thomas Highway (Rt. 671).

Magisterial District: Franklin

Voting District: Franklin

Adjacent Zoning: North: A-1, Agricultural and M-2, General Industrial districts  
South: A-1  
East: A-1  
West: A-1

Adjacent Land Use: North: Single family residences, industrial plant, railroad tracks  
South: Forestry and agriculture across Nottoway River  
East: Agriculture and forestry  
West: Agriculture and forestry across Nottoway River

### **PROJECT ANALYSIS**

#### Overview

The applicant is seeking a Conditional Use Permit to operate a sand mining operation. The application provides, "Crowder & White Contracting, LLC, requests a conditional use permit to extract and process sand from the subject parcel; said parcel has existing borrow pits and Crowder & White will expand existing borrow pits, as well as create new pits, if approved and also approved by the Virginia Department of Mines, Minerals, and Energy." The property was used by IP for a number of years. IP extracted sand from the existing borrow pits for their own use. The applicant seeks permission to continue and enlarge the sand extraction operation, but for commercial use rather than internal use.

The A-1, Agricultural zoning district permits the following:

“Extraction and processing of sand, gravel, or stone; borrow pits (but not including farm pond construction or any operations engaged in mining and disturbing less than one (1) acre of land and removing less than five hundred (500) tons of minerals at any particular site), with a conditional use permit. “

The Supplementary Regulations portion of the Municipal Code provides no further requirements for sand extraction, so the Conditional Use Permit guidance offered below is the section to be considered in making the decision.

The narrative provided with the application includes an outline of the proposed operation. The mining will take place on approximately half of the property. The portion of the property with suitable soils is buffered from the Nottoway River. It is estimated that 3-4 million tons of reserves exist on the property, which will be mined over approximately 15-20 years. Access to the site is from the end of Shady Brook Trail.

Conditions offered include:

- The site will be operated in strict accordance with the regulations of any local, state, or federal agency that has authority over such operations.
- The excavation area shall be defined on a plat and submitted to the planning office.
- No blasting shall take place on the site.
- The property will be posted to deter unauthorized entry and a gate with lock will be erected to control vehicular access through the existing road.
- Vehicle loads will be properly secured prior to leaving the site.
- No mining activity will be conducted on site prior to **7AM, after 7PM (amended at Planning Commission meeting)**, or on Sundays.
- Once the mining activity is terminated, the site will be restored by creating a lake with side slopes, vegetated and graded on a 3:1 basis, as required by reclamation regulations and any other conditions recommended by the Planning Commission or imposed by the Board of Supervisors or the Department of Mines, Minerals, and Energy.
- A fifty (50) foot setback will be established to serve as a buffer abutting all adjoining properties.
- Sanitary facilities will be provided in accordance with any applicable laws or regulations.
- The conditional use permit may be revoked for failure to abide by the above-stated conditions or any other conditions imposed.
- Any other conditions deemed appropriate by the Planning Commission or Board of Supervisors.

- No permanent structures or fuel storage will be necessary on said property as said site is in very close proximity to the office and shop of Crowder & White Contracting LLC.

### Issues to be considered

Sec, 18-512 of the Zoning Ordinance provides the following information to be considered when reviewing a request for a Conditional Use Permit:

“(a) A conditional use permit should be approved only if it is permitted with a conditional use permit in the district regulations and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with. In approving a conditional use permit the board of supervisors may impose such reasonable conditions as it believes necessary to accomplish the objectives of this chapter. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the proposed conditional use permit is located.

(b) Among matters to be considered in review of a conditional use permit are traffic congestion, water quality, noise, lights, dust odor, fumes and vibration, with due regard for timing of operation, screening or other matters which might be regulated to mitigate adverse impact and offsets on natural resources.”

### Community Comments

Comments were received from VDOT concerning access to the site:

*“VDOT will allow access to the sandpit through the easement. The entrance will need to be upgraded to meet current standards as defined in the Road Design Manual Appendix “F”. The railroad tracks are not a concern to VDOT as they are maintained by the Railway.”*

Comments were received from the Department of Conservation and Recreation with regard to the site’s proximity to a State Scenic River:

*“The Department of Conservation and Recreation (DCR) administers the Virginia Scenic Rivers, Virginia Byways, and state trails programs. Additionally, DCR is responsible for developing the Virginia Outdoors Plan (VOP), the state’s comprehensive outdoor recreation and open space plan, which recognizes the importance of scenery to Virginians who walk, paddle and drive for pleasure, as well as visiting natural areas, parks, and scenic areas. The complete VOP is accessible at [http://www.dcr.virginia.gov/recreational\\_planning/vop.shtml](http://www.dcr.virginia.gov/recreational_planning/vop.shtml) .*

*The proposed project has the potential to impact natural and recreation resources along the designated Scenic Nottoway River. All impacts to the river should be located and the impacts to the scenic qualities of the river articulated. It is recommended that the equipment for sand mining be at least 100 feet back from the river’s edge and the corridor accessing the river should be perpendicular to the river’s edge. The amount of*

*clearing along the river should be limited and all disturbed land replanted with native materials.*

*Since according to the VOP walking opportunities are the second most needed facility in Virginia and walking is the number one activity, including a multi-modal trail within both corridor reviews is critical to meeting the future needs and demands of Virginia's citizens. See the following website for more information on trails in Virginia: [http://www.dcr.virginia.gov/recreational\\_planning/trails.shtml](http://www.dcr.virginia.gov/recreational_planning/trails.shtml)*

*Additionally, consider the install or provide funding for a boat access point to help meet the high demand for water access."*

## **CONCLUSION**

### Strengths of application:

- The property was in use in part as a sand excavation facility for a number of years while IP used the sand for their internal use. The use as a sand excavation facility will not change in type.
- The conditions offered provide a level of protection to the abutting property owners with regard to hours of operation, type of operation (no blasting), and location on the site (both the 50' buffer and the soils map that locates the sand on the eastern portion of the property).
- The need for the sand products mined on the site will be of use to both public and private projects over the years, and the product's availability from a local source is an economic advantage for the County.
- The applicant has met with the abutting property owners and has amended the hours of operation upon request.

### Weaknesses of application:

- There is a church and homes on abutting properties that may be impacted by trucks accessing the site and the operation of the facility, although the hours of operation are limited by the applicant and no blasting will take place on the property.
- The Nottoway River is within the State Scenic Rivers program, but the mining is taking place on the eastern half of the property, over 400' from the river at the nearest point and well over 1500' in most places.
- Access as proposed is from a right-of-way that crosses a railroad track. The Department of Mines, Minerals and Energy will determine any access issues.

## **SUPPORT INFORMATION AND ATTACHMENTS**

- 1) Staff Analysis
- 2) Application
- 3) Site map/soils map
- 4) Adjacent property owner notification

## **PLANNING COMMISSION ACTION**

The Planning Commission held a public hearing at the Sept. 13, 2012 meeting.

Chairman Drake stated that the next item of business on the agenda was a public hearing and he was going to let Mrs. Beth Lewis address it.

County Attorney, Mr. Richard Railey, stated that before she starts he felt it necessary that he recuse himself because he felt like it would clearly be a conflict of interest if he participated in it. He said he was sorry that we don't have an assistant or a county attorney's office with a staff of 25 but they don't have that so he would have to remove himself and the county would not be charged for this time.

Chairman Drake thanked Mr. Richard Railey. He told Mrs. Beth Lewis that she could proceed.

Mrs. Beth Lewis stated that this is a request for a conditional use permit to operate a business for the extraction and processing of sand on tax parcel 92-23. She stated this property is about 400 acres. It is at the end of Shady Brook Trail. It is abutting the Nottoway River and it was used by International Paper for years. It is for the most part timber land. International Paper used this area for a sand pit for their own use for internal use for their logging trails for years. She guessed back to the 50's or 60's and they haven't used it recently. Mr. Matt Crowder would like to reopen the sand pit and enlarge the sand pit and have a commercial business. The sand pit requires a conditional use permit in the A-1 zoning District so that is the request. We put the notices in the paper that are required. We mailed out the notices to the abutting property owners. You have the list in your hand. She received no questions or comments. The signs were posted on the property. To get to the property you drive almost to the end of Shady Brook Trail and just before you go over the railroad track there is a gravel drive way that goes up to your right and runs along the fence line, then it goes across this railroad tract, and then it goes into this property. That is the easement that has been in place for years and that is what they will continue to use. She stated that she sent this information directly to both VDOT and The Department of Conservation and Recreation since the Nottoway River is a State Scenic River. VDOT says that their only stipulation is that there needs to be a commercial entrance where Shady Brook Trail and this gravel driveway come together and they will look at that at the site plan stage. The Scenic River people request that there be a 100' set back along the Nottoway River. The conditions provided by the applicant included a 50' setback all the way around. This is a big piece of property. She passes around an aerial photo of the property showing the setbacks along the Nottoway River which were quite extensive. The map also shows the different types of soils in the area and the sand is in the eastern part and the river in the western part. They did provide a number of conditions and they are in the process of working with the Department of Mines, Minerals, and Energy. They have conditioned that they will of course operate in strict accordance to all federal, state, and local regulations. The excavation area will be defined on a plat. There will be no blasting on the site. The company sign will be posted to deter unauthorized entry and it will be secured with a lock on the gate. Vehicle loads will be properly secured before leaving

the site. No mining activity will be conducted on site prior to 6:00 AM and after 8:00 PM or on Sundays. Once the mining activities are terminated, the site will be restored by creating a lake with side slopes under the direction of the Department of Mines, Minerals, and Energy. There will be a 50' setback along all property lines, sanitary facilities as required, and the conditional use permit as outlined in the municipal code could be revoked at any time for failing to follow the requirements of the conditions. No permanent structures or fuel storage will be necessary on the property as it is very close to the office of Crowder and White Contracting.

Commissioner Randall said he had a question before they get started. The applicant is Crowder and White Contracting, LLC and the owner is F.I.A.T.P. Timber, LLC but the agenda package didn't go into that relationship. He asked Mrs. Beth Lewis if she had any information on that or if he needed to talk to Mr. Edward Railey about that.

Mrs. Beth Lewis stated that she needed to ask Mr. Edward Railey about that, but we do have a power of attorney.

Commissioner Randall asked if it is possible because with other jurisdictions where he does this work there is a little more background to the relationship especially with a sandpit. He said he thought they needed a little more information. He thought it would be helpful to the Board to have that in the package. He said he was kind of representing other jurisdictions that he deals with that has that in there. He thought it would be helpful to have the contractual arrangements and things of that nature in there.

Mrs. Beth Lewis said she was sure they could provide that for you.

Chairman Drake asked Mrs. Beth Lewis if she had any other comments at this time.

Mrs. Beth Lewis said no. She said she did pull up an archeological map that has been prepared by Hampton Roads Planning District Commission and there map doesn't show any archeological areas in this 400 acres.

Commissioner Mann stated before they got started he wanted to ask about the letter they received from The Conservation and Recreation. He asked what they were implying in the last paragraph in the letter.

Mrs. Beth Lewis asked which paragraph.

Commissioner Mann said the one where it says to install or provide boat access. He said is it just that they want to remind us that a new boat access is coming in right.

Mrs. Beth Lewis said right and their scope is outdoor recreation so they would like of course for someone to install a boat ramp, walking trails, and make this into a park and they would like us to keep that in mind.

Commissioner Mann said that was the way he read it.

Mrs. Beth Lewis said that may be a capital improvements plan issue if this is going to be mined for fifteen or twenty years and then by the Department of Mines, Minerals, and Energy turned into a lake and this lake would be abutting the Nottoway River. Maybe that is something down the road to think of. There may be recreational opportunities.

Commissioner Mann said that was what he wanted to point out because the DMME would frown upon that tremendously. He said he would hate to ask a land owner to put a boat ramp in.

Mrs. Beth Lewis said right.

Commissioner Mann said that was the way he read it.

Mrs. Beth Lewis said it is speaking of when this is done maybe it may be something to think about.

Commissioner Mann said twenty years from now.

Mrs. Beth Lewis said yes.

Chairman Drake asked if there were any other questions before he opened the public hearing.

Chairman Drake opened the public hearing. He asked Mr. Edward Railey if he would like to speak first.

Mr. Edward Railey said yes sir. He stated that in case anyone didn't know him he was Mr. Edward Railey and he was here on behalf of Crowder and White Contracting. He said just for a little background Crowder and White Contracting is a continuation of Thomas White or T. W. White, Inc. which has been in business since 1972. They are a good local business with an excellent safety record. They have a reputation for doing exactly what they say and saying exactly what they mean. Again they have an excellent safety record. Since Crowder and White took over in 2003 they haven't had any accidents whatsoever. What we have here is an application to operate a sand pit or borrow pit on a piece of property on the east side of Hwy. 671 on Shady Brook Trail. In other words you cross Highway 671 on Shady Brook Trail. In other words when you cross Highway 671 onto the side where the boat landings is and pass the Hercules Plant on the left it is behind that and bounded on the west by the Nottoway River. With that said he has prepared some aerial photographs which will enable him to better explain the project which he would pass out at this time. He said from what we have here you can see the river and then there is approximately 200 acre parcel shaded in blue which will operate as a natural buffer. The orange area there is currently some ponds that Union Camp operated for a great many years as borrow pits. He stated that Mr. Matt Crowder intends if it is recommended by the Planning Commission and approved by the Board of Supervisors and The Department of Mines, Minerals, and Energy to expand those current mines as well as digging some new ones. If you look around the orange area and the blue area too it is just hard to see but there is a blue line representing the buffer which we proffer to leave. It is in timber now so it will create a buffer around the adjoining land owners. He stated that Mr. Matt Crowder had talked to every land owner that owns property adjoining the proposed project. The only rejection that he received is that one land owner has requested that they leave out a 50' natural buffer which we have proffered. It will probably be more than that, but we have proffered at least that much. VDOT as Mrs. Beth Lewis said is perfectly okay with the current access which is safe because the access to the property is through a limited access road which opens to Highway 671 which he understands is going to be improved and widened. The Department of Conservation and Recreation is okay with the proximity to

the river. He said he didn't think this would increase any traffic to Shady Brook Trail which maybe some peoples concern. He said the Mr. Matt Crowder had done extensive boring on the property to determine the actual sand quantity and quality and found it to be satisfactory for the project and usable for current development projects getting ready to be underway in the county, mainly the Enviva project. He said he was under the impression that Mr. Matt Crowder was going to be doing a portion of the site development plan work associated with that project so this would be helpful for that project and Crowder and White. With respect with Supervisor Randall's concerns about the relationship between Crowder and White and F.I.A.T.P., Crowder and White has entered into a purchase contract with F.I.A.T.P. Timber, LLC which is a Delaware, LLC which is actually based in Atlanta, GA. It is a timber investment company and he has entered into a contract to purchase this property from them. They are currently in an inspection or due diligence period where Crowder and White can terminate the contract for any reason at all in their negotiations with F.I.A.T.P. They have indicated to them that should the Planning Commission not approve or recommend the project at the meeting tonight they would terminate the contract. Should they make it through tonight and it and then the Board not approve it they would terminate the contract. We have also informed them that it would be contingent on getting the permit from the Department of Mines, Minerals, and Energy. We don't have contingences in the contract because they weren't willing to agree to that, but they were willing to agree to an inspection where we can rescind the contract for any reason or no reason at all. With that said if we get the rest of the approvals and should it go through the Department of Mines, Minerals, and Energy, and the conditional use permit be approved they won't have any problem approving the mine permit and we will close the transaction in the quickest possible time from then which will be probably less than a week. He stated that Mr. Matt Crowder has gotten everything in place and he was ready willing and able to close the contract. He stated that Mr. Matt Crowder has spent a considerable amount of funds on appraisals and environmental studies with respect to the subject property and the only thing they needed at this point is approval from the county for the conditional use permit and the Department of Mines, Minerals, and Energy has indicated that they don't have any problems with it. Our only hurdle at this time is the approval from the county. With that said he would ask that they recommend that the conditional use permit be approved to go the Board of Supervisors so that they can get this project going and send the message that Southampton County is open for business. He thanked the Board.

Chairman Drake asked if there were any questions for Mr. Edward Railey.

Mrs. Beth Lewis wanted to know if she could ask a question. She said maybe Mr. Matt Crowder knows. She asked how tall is the equipment in relation to the height of the trees. She asked if somebody on the river would be able to see the equipment over the tops of the trees.

Mr. Edward Railey said no.

Chairman Drake asked if there were any other questions.

Commissioner Mann said on your map the entrance this little peninsula to the pond that's where your entrance to the pit is going to be right in the area there correct.

Mr. Edward Railey said yes sir.

Commissioner Mann said he was just wondering because he knew that DMME would class the entrance as part of the mining area even though it is where truck traffic going in.

Mr. Edward Railey said yes sir that is where the entrance would be and there is actually a deeded easement from back when Union Camp sold the old Hercules Powder Company property where there company is located so the access comes off of that continuation of Shady Brook Trail on the east side of Highway 671 and hits a rock road right now where the easement exists. He stated that he believed that VDOT has required Mr. Matt Crowder to put a commercial entrance in which he is willing and able to do.

Commissioner Mann said but the entrance does fall into the orange shaded area.

Mr. Edward Railey said yes sir.

Commissioner Chesson said the blue and orange area is that the total acreage we are looking at – 400 acres.

Mr. Edward Railey said there is an old description which is 384.5 plus or minus acres. He stated they hadn't had a survey done.

Commissioner Chesson so I guess you have identified the orange as the area that you are going to mine as far as from the sand standpoint. He asked if the application was for greater than that.

Mr. Edward Railey said no sir. He said he was glad he asked because he didn't do a very good job of explaining that. He stated that the orange area was give or take, 158 acres and approximately two thirds of it is suitable for mining. Assuming the permits are issued and prior to the mining one of the conditions is to show a plat showing the area to be mined. He stated that it hadn't been portrayed in this map that they prepared for tonight.

Commissioner Mann said so of the 158 acres showing in orange only 100 or so will be mined.

Mr. Edward Railey said that is correct but he doesn't have that area shaded to provide to you at this time.

Chairman Drake said Mr. Edward Railey I'm going to make a comment and correct me if I'm wrong but he had looked at the proffer and the reason that it is so much of the blue area is because that area is considered wetlands. It is low and not suitable. So this will be the extent of the sand pit in the orange area which is what they are making application for. He said he also had another comment. The easement for the road into this tract is already there. They don't have to make anything.

Commissioner Mann said he knew it was already there he just wanted to be sure that based on the map that it was in that orange area on the map just to alleviate any problem with DMME because he knew how they treat it. They treat the entrance as mining area.

Chairman Drake said okay.

Mr. Edward Railey said if there are any concerns with the wetlands the Department of Mines, Minerals, and Energy requires the wetlands to be delineated.

Chairman Drake said yes they address that.

Mrs. Beth Lewis said it is also important to remember that should this be approved this would be a use that was approved by a conditional use permit. All site plans that are connected with conditional use permits require review by this Board and require approval by the Board of Supervisors. So when a site plan is submitted it will come back to you.

Chairman Drake asked if there were any other questions for Mr. Edward Railey.

Commissioner Randall asked Mr. Edward Railey if he would just elaborate briefly on the section the bullet point once the mining activity is terminated the site would be restored by creating a lake with side slopes, vegetated and graded on a three to one basis. He asked if he had any more details on which you plan on doing number one. Then number two what is the hypothetical (he said he knows Mr. Edward Railey doesn't have it yet, but we are get reports to the point that Mrs. Beth Lewis is talking about) depth of this lake going to be, how far are you going down.

Mr. Edward Railey said ten to twelve feet down. He stated that paragraph seven speaks of creating the lake and creating it on a three to one basis is taken from the Department of Mines, Minerals, and Energy's regulations to be done in strict accordance with their regulations. If you have any questions as to the technical aspects as to how that will be done Mr. Matt Crowder will be happy to answer those questions.

Commissioner Randall said basically nothing unusual is going to be done to this sandpit - nothing outside the box from the regulations.

Mr. Edward Railey said no sir.

Chairman Drake asked if there were any other questions.

Commissioner Chesson said he guessed from what he had heard the recommendation of maybe a 100' buffer versus a 50' buffer if that was asked for a condition along the river frontage would that be an issue since it is wetland. It doesn't appear to be identified as potential mining area.

Commissioner Mann said the orange area isn't even going to come within a 100' of it. All we are going to permit is the orange area for the conditional permit. The blue area is not going to be in the conditional use permit area at all. So that is going to leave all the area around the river. Even in the narrow area up there at the top of the map that is more than 50' right here in the blue area, correct.

Mr. Edward Railey said yes sir from this map.

Mrs. Beth Lewis said according to the aerial that she had and drew an approximate 100' line there is at least two hundred feet even at the narrowest point between the river and the orange.

Chairman Drake thanked Mr. Edward Railey.

Mr. Edward Railey thanked the Board.

Chairman Drake asked if anyone else would like to come up and speak.

Mr. Glenn Updike of 33335 Statesville Road, Newsoms, Virginia addressed the Board. He stated that in 1960 he was working at Virginia Beach and he can tell you one thing. Since then it has grown because at that time it was as rural as any place in Southampton. They allowed sandpits, lagoons, and you just name it without any restrictions. The problem they had is that after a couple of people had entered in manufacturing sandpits in the counties they looked at what public restrictions the people have to these operations. They have really tightened up. If you have a pool in your own backyard you have to have a fence around it. He said not only did the individuals get sued the city got sued also. So he is just asking that we look at the safety of these types of operations and what we can do to provide for the safety of the public.

Chairman Drake asked if there were any questions for Mr. Glenn Updike.

Chairman Drake asked if anyone else would like to speak. He said this was the last call.

Commissioner Edwards asked if anyone would like to address that issue.

Mr. Hunter Darden of Sedley in the Jerusalem District addressed the Board. He stated that he is a mining operator. He said he liked to tell people they don't like calling them sand pits they are mining operations. That is just a fad saying. Anyway before our county gets so restrictive he had probably just as much opportunity for anyone to come on his land that would be trespassing. He said he was a mile and a half off the road and it would be foolish for him to put a chain link fence or any kind of fence around his farm to protect him from somebody who if they wanted was going to come on it anyway. He doesn't think our county has had any issues. It is one thing if you are going to build one beside a school or a daycare center but where Mr. Matt Crowder wants to put this one you aren't going to stop someone who wants to go in there anyway whether he puts up a gate eight foot high or twenty foot high so he hates to see our county get so restrictive that it deters people from development. Fencing is not cheap. He stated that he knew a guy who had just put in a mining operation in Suffolk on Gates Road and he put up a nice fence at the front, but the rest of his property on the front is just dirt berms. That just keeps vehicular traffic out, but he is in a little different situation that what his operation and what Mr. Matt Crowder wants to do because you are not really adjacent to a public highway or where a lot of public is riding anyway so he just hates to see any more restrictions than what the state and federal people put on them already. He said he has come to every one of these mining conditional use permit meetings with you all and the Board of Supervisors and we have never had a mining inspector come here. We are not notified when the state inspector is coming, but that state inspector comes to the property at least three to four times a year unannounced.

If you are in trouble you get a little notice in the mail that you are in violation. He said they check everything from the signs are posted, if the gate is locked, if your dirt berms are tall enough to keep a dump truck from driving over the bank, brakes, fire extinguishers, and if it is a federal inspection it is even worse. They check these mining operations extensively and you are steadily going to class and get your card. They keep up with your trash and anything that is hauled back into them they know all about it. They do a good job in making people police their mining operation. The slope deal that you all were talking about it is required by the state with three and one is the minimum. The further away you are from the water the longer slope that you really need to be able

to mow the banks and you are required to put top soil on them and seed them down. They have to be seeded two years before they can be released. They check the ph in the water. These people do it all. It is not a piece of cake. To start with he is going to have to put up \$1,000.00 an acre for bond so that if he doesn't do what he is supposed to in reclaiming it he loses his money and the state will reclaim it for the public. So it is something that gets the public overly concerned, but the state does a good job in maintaining these operations. That is all he is saying. He thanked the Board.

Chairman Drake thanked Mr. Hunter Darden.

Chairman Drake asked if there were any questions for Mr. Hunter Darden.

Chairman Drake closed the public hearing as there was no one else wishing to speak.

Chairman Drake asked the Board if they had anything for discussion.

Commissioner Harrell said he couldn't see putting a six or eight foot fence around that and all the way down the side of the river and the river doesn't have any fence.

Chairman Drake said he would like to make a comment too. He asked Mr. Matt Crowder if he minded coming up to the podium.

Mr. Matt Crowder approached the podium.

Chairman Drake said he understood there will be a so called gate at the entrance to the path going in is that correct.

Mr. Matt Crowder said yes sir.

Chairman Drake said there is only one road going into the pit. There is only going to be one way to enter and exit the mining area. He stated that Mr. Matt Crowder invited him to go out to view the premise. He thanked Mr. Matt Crowder for the opportunity and said he hoped some others had viewed it as well. He showed him first hand where the mining would take place at and what his intentions were. Mr. Matt Crowder told him that he was going out and talk to the neighboring land owners which he understands he has done. He said he appreciated that because it made out job here easier. He stated that he had known Mr. Matt Crowder a long time and he had known his partner, Mr. Thomas White for a long time. He thinks the reason that Mr. Matt Crowder is wishing to purchase this land and open this mining operation is that the pit he is currently mining with Mr. Thomas White is pretty much running low on material. They have pretty much excavated that site. He said this company has done a lot of work not just in this county but the surrounding counties and in North Carolina. He thinks it is a great opportunity that he has located this site in such a proximity to his shop being that his shop is in the same premises and the only thing he is going to have up the road a little ways is the mining operation. He personally thinks it is a great opportunity for him. He stated he realized that Mr. Matt Crowder has done a lot of work and Mr. Edward Railey elaborated that he had done his homework and his core samples. He said the only concern, which you knew I was coming up with this; he has had a few phone calls since they had talked. He said it's no secret it was Mrs. Gail Milteer. She called him night before last and they talked for about thirty minutes. She has no objection to the mining operation. She is concerned about the buffer zone. He said he doesn't think she personally owes land that is going to abut your property if this goes through but her sister does. She has

some property in close proximity, but not actually bordering. She was speaking for herself and she was speaking for her sister which is Mrs. June Duck. She was also speaking for her friend who is Mrs. Carolyn Edwards. She was politely asking if you would consider a 100' buffer that you wouldn't cut any of the trees and you wouldn't do any disturbance up to the 100' up to your property line. He stated this would be on the north east side – anyway it is opposite the river side. He said she had a good point. He said he was trying to agree with everybody here. She was concerned about the noise. He said he told her she wasn't going to see the machinery back there. You have got to also remember there is forest land that is between the properties and she is concerned about when that property is logged or clear cut that it would expose Mr. Matt Crowder's property. She is concerned about the noise from the back up alarms. He said that is required in the sand pit, correct.

Mr. Matt Crowder said yes sir.

Chairman Drake said everything that goes in reverse had to have a back-up alarm. He said that was one of the main concerns he had with Enviva down in Ahsoskie was that piercing back up alarm so he thought she had a viable point. He said he was just conveying a message for Mrs. Gail Milteer. He said she had a meeting in Richmond today and she didn't think she was going to make it here tonight. He said she hasn't come in so he was just relaying the message. She was concerned about the buffer zone and he realized and Mr. Matt Crowder had already told him the Department of Mining, Minerals, and Energy requires a 50' buffer and she was just asking politely for an additional 50'. She also asked for (and this is the last one by the way Mr. Matt Crowder) one other thing. He asked Mr. Matt Crowder wasn't his hours from 6:00 AM to 8:00 PM.

Mr. Matt Crowder said yes.

Chairman Drake Mrs. Gail Milteer told him to ask if he would consider 7:00 AM to 7:00 PM. He said he thought she was thinking about was that extra hour of sleep. He said some people sleep a little later than we do. He knew that Mr. Matt Crowder went to work really early. She has no problem with Saturday; she just asks for the 7:00 AM to the 7:00 PM if you would consider that. He said he was just conveying this to Mr. Matt Crowder and this Board. That was just a suggestion that he had gotten from a concern citizen.

Chairman Drake asked if anyone else had any questions for Mr. Matt Crowder.

Commissioner Edwards asked what would be the answer on those two requests.

Mr. Matt Crowder said the 7:00 AM to 7:00 PM he didn't have a problem with. Their normal operating hours were from 7:00 AM to 5:00 PM or 5:30 PM somewhere along there anyway. The 50' that they had requested was what they would like to have. What we are talking about doing is taking 50' and leaving it completely as it is completely wooded as it is now; we aren't cutting any trees down that way we can provide a visual buffer and on top of that they are probably going to have about 20' to 25' of sloped area that we will keep mowed all around the pit so there is going to be at least a 75' buffer anyway so from her house the nearest point if going to be 1,115 feet away. He said he would dare say that somebody could hear the back-up alarm from 1,115 feet away. He said but he didn't know for sure he hadn't tested it.

Chairman Drake said when she questioned me, and he didn't ask you the other day, she thought the cliff so to speak or the drop point would be in that 50'.

Mr. Matt Crowder said they were going to have the slope all around it. They are going to have to slope it and reclaim it.

Chairman Drake said he thought that was generous. She asked him where the mining going to take there. He said he told her that was what they call the buffer zone inside this 50'.

Mr. Matt Crowder said they were offering 50' and they were going to 25' there for their purposes and reclamation so that will be 75' anyway.

Chairman Drake said even around Mr. Ricks you are going to have that 50' plus that 20' or 30'.

Mr. Matt Crowder said yes. He stated that he talked to Mr. Ricks and he is actually closer than anybody else.

Chairman Drake thanked Mr. Matt Crowder.

Commissioner Chesson said from a long range standpoint knowing that you are going to have a 100 acre lake and knowing that waterfront desirable in some people's book why wouldn't you a 150' buffer zone and be able to have house lots in front of the lake.

Mr. Matt Crowder said access to the property would be the main reason. He said they had an easement to get into the property and it wasn't really suitable for that.

Chairman Drake asked if he could elaborate a little on that. He said you have to get a first-hand view of these properties to really see what's there.

Mrs. Beth Lewis said she had photographs.

Chairman Drake said well he was going to make a humorous but serious statement. He said Mr. Matt Crowder if having to purchase all that property of course and the only way he can make a return is to mine. He said he was sure it was going to be a substantial amount. What he was going to make a comment about is the day they rode out there (and he was used to riding in his pickup truck you understand) when they got to the site Mr. Matt Crowder reminded him about rolling his window up and he pushed the button for it to go up, but the deerflies and mosquitos are horrendous out there because it is so much low land. He said he didn't think anybody would want to build a house back there. He asked Mr. Matt Crowder what he thought.

Mr. Matt Crowder said he didn't think so either.

Chairman Drake said he had told Mr. Matt Crowder that would have to have all of his machines with air conditioned and heated cabs because he said he didn't think anybody was going to want to step outside for very long. He said that might have just been a bad day he didn't know.

Mr. Matt Crowder said that was pretty typical.

Chairman Drake said in all due respect if you are purchasing the rights to the mine of course that is the way you are going to get your potential back out of it by mining as much as you can of it in that particular zone.

Commissioner Mann said that area between the mining area and back toward Delaware Road which is timberland what stage of growth is that in.

Mr. Matt Crowder said 15 year cutover.

Commissioner Mann said so by the time it is ready to be clear cut you will be close to being through.

Mr. Matt Crowder said probably.

Commissioner Mann said Mrs. Gail Milteer is worried about the timber being cut on that tract, but by the time that timber gets clear cut you will be at a point where you will moving back this way.

Chairman Drake said it depends on how many jobs or contracts Mr. Matt Crowder gets.

Commissioner Mann said well in twenty years we have got to consider putting a boat ramp in.

Chairman Drake said that's right.

Chairman Drake asked if there were any other questions for Mr. Matt Crowder while he was at the podium.

Commissioner Edwards said I guess you can tell that lady that you talked to that he compromised at 75'.

Chairman Drake said he thought that was very generous. He thanked Mr. Matt Crowder for that.

Chairman Drake told Commissioner Pope she had to talk up. He asked if she had any comments.

Commissioner Pope said no. She said she was very much for it. She said our county needs it.

Chairman Drake called on Commissioner Parker.

Commissioner Parker said he was very much for it because it was a mine where Union Camp had. He said he lived in Branchville and there was a mine close to where he lived but it was back in the low ground and it didn't effect of the residents or anything. They had never had any problems. He said he thought Mr. Matt Crowder did a good job. He said usually when we have something like this the house is full so at least you have contacted the people out there and they don't have a problem with it.

Chairman Drake said he commended Mr. Matt Crowder and Mr. Edward Railey for following up on that.

Commissioner Parker said so everything is set to go here.

Commissioner Edwards said he didn't have any issues. He said he thought this was the most well prepared conditional use permit he had seen in a while.

Chairman Drake said he concurred. He asked if anyone else had any comments.

**Commissioner Harrell said it looked fine to him. In fact, he made a motion to approve it.**

**Chairman Drake stated that he had a motion on the floor; he asked if he has a second.**

**Commissioner Parker seconded the motion.**

**Mrs. Beth Lewis stated this is with the amended condition of the hours, correct.**

**Commissioner Edwards said yes the amended operating time is from 7:00 AM to 7:00 PM.**

**Chairman Drake said the motion has been approved with the amendment of changing the operating time from 7:00 AM to 7:00 PM.**

**Chairman Drake called for the vote which carried unanimously.**

Sign posted Aug. 30, 2012  
Letters mailed Sept. 28, 2012  
Ad in Tidewater news



Southampton County  
Post Office Box 400  
Courtland, Virginia 23837  
757-653-3015

**APPLICATION FOR:**

**REZONING**

**COMPREHENSIVE PLAN AMENDMENT**

**CONDITIONAL USE PERMIT**

**CONTACT INFORMATION**

Applicant or Representative Name: CROWDER & WHITE CONTRACTING, LLC (MATTHEW W. CROWDER)

Address: 30065 GENERAL THOMAS HIGHWAY

City, State, Zip: FRANKLIN, VA 23851

Phone: Day 757-562-2748 Evening \_\_\_\_\_ Mobile \_\_\_\_\_

Owner Name: FIATP TIMBER, LLC

Address: 15 PIEDMONT CENTER, SUITE 1250

City, State, Zip: ATLANTA, GA 30305

Phone: Day \_\_\_\_\_ Evening \_\_\_\_\_ Mobile \_\_\_\_\_

**PROPERTY INFORMATION**

Address or Location: RT. 650 NEAR HERCULES PLANT; FRANKLIN MAGISTERIAL DISTRICT;

Tax Parcel Number: 92-23

Total Acreage of Parcel: 424.00 ACRES

Amount of above acreage to be considered: \_\_\_\_\_

Current Use of property: MANAGED TIMBER

Rezoning request from N/A to N/A

Comprehensive Plan request from N/A to N/A

Conditional Use request: Section 18-37 (22) of the Southampton County Code

Give a brief description of the application request (attach additional sheets if necessary):

Crowder & White Contracting, LLC requests a conditional use permit to extract and process sand from the subject parcel; said parcel has existing borrow pits and Crowder & White will expand existing borrow pits, as well as create new pits, if approved and also approved by the Virginia Department of Mines, Minerals and Energy.

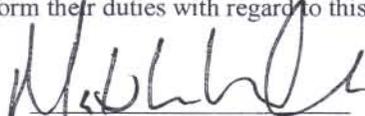
Required Items to be submitted with application:

- Application Form
- Application Fee of \$ 1000<sup>00</sup>
- Cover Letter
- Site Plan / Exhibit
- Proffer Statement (if applicable)
- Other (To be determined by agent)

**Note:** If applicant is anyone other than the fee simple owner, written authorization of the fee simple owner designating the applicant as the authorized agent for all matters concerning this application shall be filed with the agent. A Special Limited Power of Attorney form is available upon request.

The undersigned  Owner  Applicant authorizes the entry of Southampton County personnel onto the property in order to perform their duties with regard to this request.

8/3/12  
Date

  
Signature

\_\_\_\_\_  
Signature

**OFFICE USE ONLY**

---

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Post Sign By: \_\_\_\_\_

PC Agenda Date: \_\_\_\_\_

BOS Agenda Date: \_\_\_\_\_

# R & R

RAILEY AND RAILEY, P.C.  
ATTORNEYS AND COUNSELLORS AT LAW

PERSONAL INJURY LAW SINCE 1948

RICHARD E. RAILEY 1922-2004

RICHARD E. RAILEY, JR.  
R. EDWARD RAILEY, III

WALLACE W. BRITTLE, JR.

Reply to:

P. O. Box 40  
Courtland, VA 23837

E-mail: [edward@raileyandrailey.com](mailto:edward@raileyandrailey.com)

August 3, 2012

Ms. Beth Lewis, Director  
Southampton County Community Development  
Post Office Box 400  
Courtland, VA 23837

Re: Crowder & White Contracting, LLC – Conditional Use Permit Application

Dear Ms. Lewis:

Please find enclosed herewith the following:

- A. Conditional Use Permit Application by Crowder & White Contracting, LLC, seeking a Conditional Use Permit to operate a borrow pit in Southampton County, Virginia; and
- B. Special Power of Attorney by the property owner, FIATP Timber, LLC, granting Crowder & White Contracting, LLC the authority to apply for said conditional use permit.

Additionally, in line with our previous conversations, Crowder & White Contracting, LLC's purchase of this property and conditional use permit application is to operate a sand mining operation on said property. In light of the current state of economic development in Southampton County, there is a good chance that there will be an immediate need for the sand that Crowder & White plans to mine from this premises. Consequently, Crowder & White Contracting, LLC is requesting that said application be placed on both of the September agendas of the Planning Commission and the Board of Supervisors so that if called upon Crowder & White will be able to furnish the sand for the upcoming construction projects. Your cooperation will be appreciated.

Should you have questions, comments or concerns please feel free to contact me.

With kind personal regards, I am

Very sincerely,



R. Edward Railey, III

abr

Enclosures  
2237 Main Street  
P.O. Box 40  
Courtland, VA 23837  
(757) 653-2351  
Fax: (757) 653-0930

P. O. Box 189  
Waverly, VA 23890  
(804) 834-2599

10451 General Mahone Highway  
P.O. Box 98  
Wakefield, VA 23888  
(757) 899-2145  
Fax: (757) 899-2146

# R & R

**RAILEY AND RAILEY, P.C.**  
ATTORNEYS AND COUNSELLORS AT LAW

**PERSONAL INJURY LAW SINCE 1948**

RICHARD E. RAILEY 1922-2004

RICHARD E. RAILEY, JR.  
R. EDWARD RAILEY, III

WALLACE W. BRITTLE, JR.

Reply to:

P. O. Box 40  
Courtland, VA 23837

E-mail: [edward@raileyandrailey.com](mailto:edward@raileyandrailey.com)

August 22, 2012

Southampton County Planning Commission  
In Care of Ms. Elizabeth Lewis  
Post Office Box 400  
Courtland, VA 23837

Re: **Conditional Use Permit Application;  
Crowder & White Contracting, LLC - FIATP Timber, LLC property**

Dear Ms. Lewis:

In connection with the Conditional Use Permit Application filed by Crowder & White Contracting, LLC, I have set forth a brief narrative describing the property, desired use by the applicant, prior uses, preferred conditions, etc. I have prepared the narrative in an effort to assist the members of the Planning Commission in analyzing the application, however, if you or any member of the Planning Commission have any questions or concerns, please contact either me at 757-653-2351 or Matt Crowder at 757-377-9487 and we will try to promptly address any question or concern.

## **BACKGROUND**

Crowder & White Contracting, LLC, has entered into a contract with FIATP Timber, LLC for FIATP Timber, LLC's sale and Crowder & White Contracting, LLC's purchase of 384.50 ± acres, constituting a portion of Tax Parcel No. 92-23, located in Franklin Magisterial District, Southampton County, Virginia. A legal description of same is attached hereto as Exhibit "A". Said contract contains an inspection period, wherein purchaser may rescind the contract if purchaser determines that the property is unsuitable for purchaser's use. Accordingly, should said conditional use permit not be recommended by the Southampton County Planning Commission and approved by the Southampton County Board of Supervisors, said property will not be suitable for purchaser's use and purchaser will not consummate said transaction, notwithstanding the fact that purchaser has expended substantial funds in preparation to consummate said transaction.

22237 Main Street  
P.O. Box 40  
Courtland, VA 23837  
(757) 653-2351  
Fax: (757) 653-0930

P. O. Box 189  
Waverly, VA 23890  
(804) 834-2599

10451 General Mahone Highway  
P.O. Box 98  
Wakefield, VA 23888  
(757) 899-2145  
Fax: (757) 899-2146

## LOCATION

Said property is located on the east side of the "Hercules" plant operated by Ashland, Inc. and bounded on the west by the Nottoway River, near the intersection of Virginia Highway No. 671 and Route 650 (Shady Brook Trail).

## PHYSICAL CHARACTERISTICS OF PROPERTY, ACCESS, PRIOR USE, PROPOSED USE AND MINING PROCESS

Said property contains  $384 \frac{1}{2} \pm$  acres, with approximately  $\frac{1}{2}$  being suitable for mining purposes. Interestingly, the roughly  $\frac{1}{2}$  of said property that is not suitable for mining purposes is between the area that is suitable for mining purposes and the Nottoway River, creating a substantial natural buffer between the river and any mining that will take place should the permit be approved. Additionally, said property adjoins the Ashland/Hercules property, a property used for industrial purposes, and was previously used as a borrow pit for Union Camp Corporation.

The proposed mining operations will be done as follows. The existing top soil ranging from 0-1 feet in depth will be stripped and stockpiled to be used later for reclamation purposes. The depth of usable sand material is between 12-15 feet and the site has been bored to prove the depth, quality and quantity of material present.

It is estimated that 3-4 million tons of reserves exist, which would be mined over an estimated 15-20 year period. Raw materials would be dug using excavators and wheel loaders and trucked to the end user.

Drainage from the permitted mining area will be controlled through grading and by directing any water toward the interior of the site and excavated pit. The operation will be permitted, controlled and inspected by the Virginia Department of Mines, Minerals and Energy.

Access to the property will be via Route 650 (Shady Brook Trail east of Rote 671). This makes for very safe access the property via a limited access road.

## CONDITIONAL USE PERMIT REQUEST

The applicant requests a conditional use permit in order to operate a borrow pit/sand mine on approximately 150 acres located within Tax Parcel 103. In support of said permit application, Crowder & White Contracting, LLC agrees to be subject to the following conditions as follows:

1. That the site will be operated the site in strict accordance with the regulations of any local, state or federal agency that has authority over such operations;

2. That the excavation area shall be defined on a plat and submitted to the planning office;

3. That no blasting shall take place on said site;

4. That the property will be posted to deter unauthorized entry and a gate with lock will be erected to control vehicular access through the existing road;

5. That vehicle loads will be properly secured prior to leaving the site;

6. That no mining activity will be conducted on site prior to 6:00 a.m., after 8:00 p.m. or on Sundays;

7. Once the mining activity is terminated, the site will be restored by creating a lake with side slopes, vegetated and graded on a 3:1 basis, as required by reclamation regulations and any other conditions recommended by the Planning Commission or imposed by the Board of Supervisors or the Department of Mines, Minerals and Energy.

8. That a fifty (50) foot setback be established to serve as a buffer abutting all adjoining properties;

9. Sanitary facilities will be provided in accordance with any applicable laws or regulations;

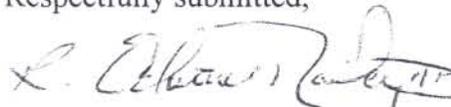
10. That the conditional use permit may be revoked for failure to abide by the above-stated conditions or any other conditions imposed; and

11. Any other conditions deemed appropriate by the Planning Commission or Board of Supervisors.

Additionally, no permanent structures or fuel storage will be necessary on said property as said site is in very close proximity to the office and shpt of Crowder & White Contracting, LLC.

Again, should you have any questions or concerns, please feel free to call me or Matt Crowder.

Respectfully submitted,



R. Edward Railey, III  
Attorney for Crowder & White Contracting, LLC

EXHIBIT A

PARCEL 103  
TRACT #338 (1452534)  
TAX ID #92-23 (portion)

Parcel 2:

That certain tract of land in Franklin Magisterial District, Southampton County, Virginia, known as "Delaware", containing three hundred eight-four and one-half (384 ½ ) acres, more or less, according to survey of same made by P. F. Darden in December 1910, and bounded as follows: On the West by Nottoway River; on the South by the now or formerly Allen Cotton Land; on the East by the land now or formerly of Baker Minter Lumber Company and now or formerly of Jos. H. Gray; and on the North by the land now or formerly of Jos. H. Gray and Tyler Edwards.

Being all or a portion of the property conveyed by deed from J. L. Newsom and Fannie M. Newsom to Camp Manufacturing Company recorded in Deed Book 66, page 166.



**Special Limited Power of Attorney**  
**County of Southampton, VA**  
Planning Office

Planning Office, County of Southampton, Virginia, P.O. Box 400 Phone: (757) 653-3015 Facsimile: (757) 653-0227  
Use Post Office Box for all mail. Street Address is 26022 Administration Center Drive, Courtland, VA 23837

Know All Men By These Presents: That I (We)

(Name) FIATP TIMBER, LLC (Phone) \_\_\_\_\_

(Address) 15 PIEDMONT CENTER, SUITE 1250, ATLANTA, GA 30305

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Southampton, Virginia, by

Instrument No: 20060025412, on Page \_\_\_\_\_, and is described as

Parcel: TP92-12 Lot: \_\_\_\_\_ Block: Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_

do hereby make, constitute and appoint:

(Name) MATTHEW W. CROWDER (Phone) 757-562-2748

(Address) 30065 GENERAL THOMAS HIGHWAY, FRANKLIN, VA 23851

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- |  |  |
|--|--|
| <input type="checkbox"/> Rezoning (including proffers) | <input checked="" type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Special Use Permit            | <input type="checkbox"/> Variance                          |
| <input type="checkbox"/> Special Use Exception         | <input type="checkbox"/> Administrative Site Plan          |
| <input type="checkbox"/> Subdivision                   | <input type="checkbox"/> Building Permit(s)                |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

\_\_\_\_\_

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this Aug. 3 day of \_\_\_\_\_ 2012

Signature(s) [Signature] Executive Vice President

State of Georgia, City/County of Fulton, To-wit:

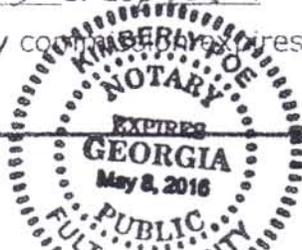
I, Kimberly Poe, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) know to me, personally appeared before me and has acknowledged the same before me in the

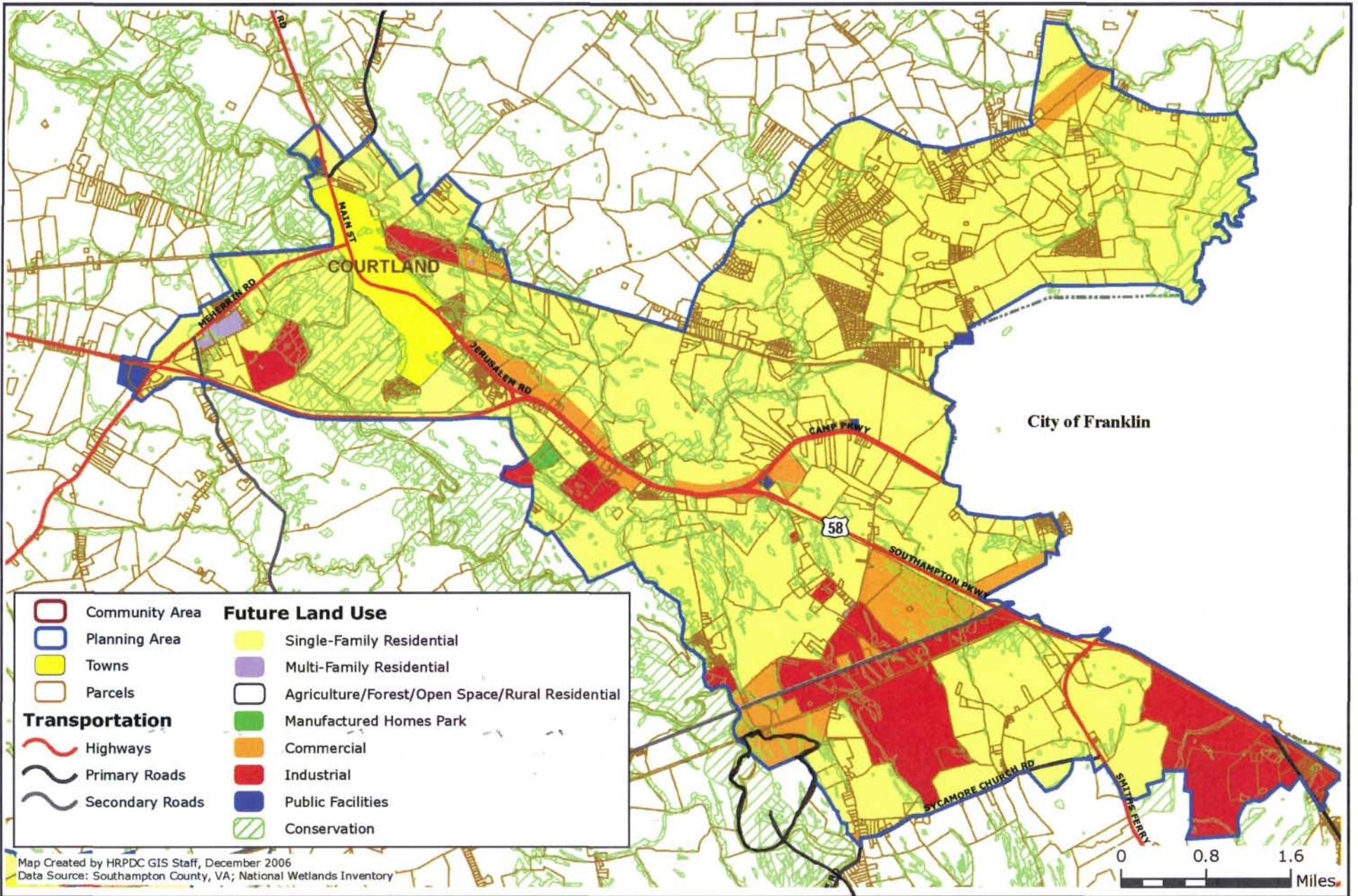
jurisdiction aforesaid this day of Aug. 3 of 2012

[Signature]  
Notary Public

My commission expires: \_\_\_\_\_

**Notary Public, Fulton County, Georgia**  
**My Commission Expires May 8, 2016**





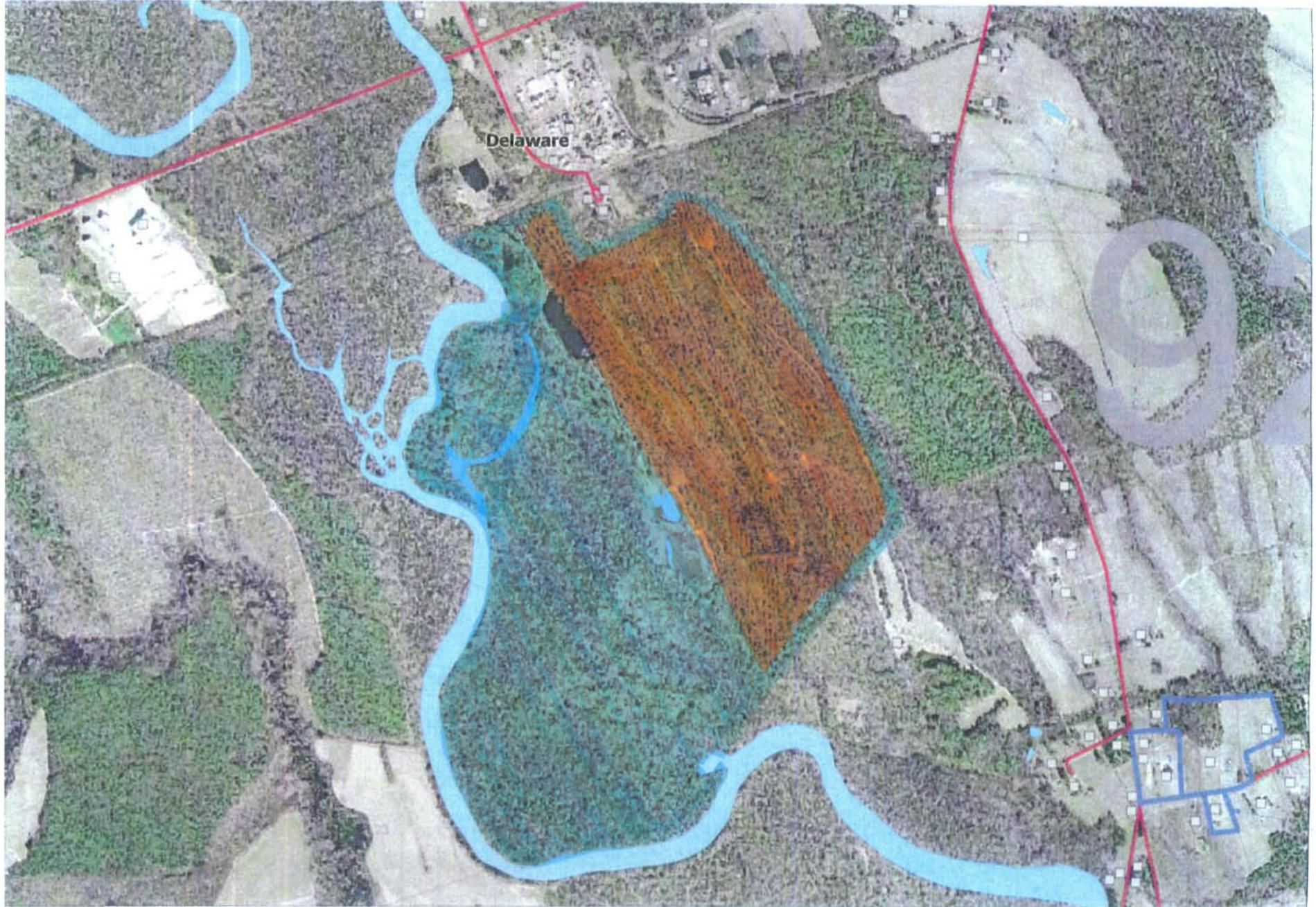
Site



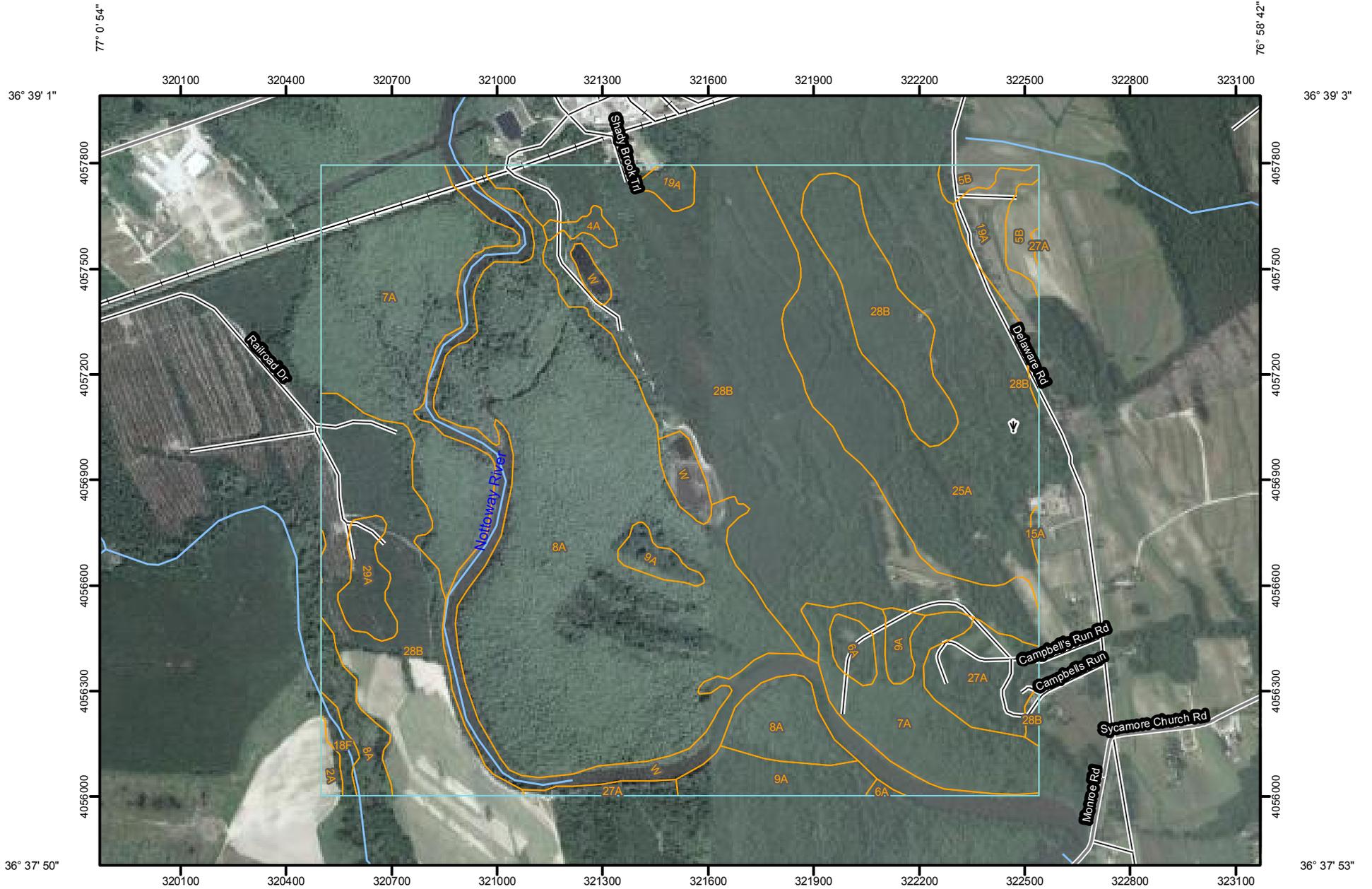
**Map 8-2b**  
*Future Land Use*  
**Courtland Planning Area**



# Southampton County



(FIATP Timber)



Map Scale: 1:15,700 if printed on A size (8.5" x 11") sheet.



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Units

### Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

 Very Stony Spot

 Wet Spot

 Other

### Special Line Features

-  Gully
-  Short Steep Slope
-  Other

### Political Features

 Cities

### Water Features

 Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

## MAP INFORMATION

Map Scale: 1:15,700 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 18N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Southampton County, Virginia  
Survey Area Data: Version 12, Aug 9, 2010

Date(s) aerial images were photographed: 6/25/2003; 6/24/2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Southampton County, Virginia (VA175)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2A	Altavista fine sandy loam, 0 to 2 percent slopes, rarely flooded	2.2	0.2%
4A	Bibb sandy loam, 0 to 2 percent slopes, frequently flooded	2.7	0.3%
5B	Bojac loamy sand, 2 to 6 percent slopes, very rarely flooded	8.9	1.0%
6A	Buncombe loamy sand, 0 to 2 percent slopes, occasionally flooded	5.4	0.6%
7A	Chastain loam, 0 to 2 percent slopes, frequently flooded	123.8	13.7%
8A	Chastain loam, 0 to 2 percent slopes, ponded	231.9	25.7%
9A	Chewacla loam, 0 to 2 percent slopes, frequently flooded	22.4	2.5%
15A	Munden loamy sand, 0 to 2 percent slopes, rarely flooded	0.7	0.1%
18F	Nevarc and Remlik soils, 15 to 65 percent slopes	3.2	0.4%
19A	Nimmo sandy loam, 0 to 2 percent slopes	16.7	1.8%
25A	Seabrook loamy sand, 0 to 2 percent slopes	121.8	13.5%
27A	State fine sandy loam, 0 to 2 percent slopes, very rarely flooded	22.5	2.5%
28B	Tarboro loamy sand, 0 to 6 percent slopes	279.7	30.9%
29A	Tomotley sandy loam, 0 to 2 percent slopes, rarely flooded	9.3	1.0%
W	Water	52.6	5.8%
<b>Totals for Area of Interest</b>		<b>903.8</b>	<b>100.0%</b>

**CUP 2012:03**

**Matthew Crowder for FIATP Timber LLC**

**Conditional Use Permit to permit a sand mining operation**

**Owner**

FIATP Timber LLC  
15 Piedmont Center  
Suite 1250  
Atlanta, GA 30305  
TP 92-23, 91-30, 91-32

**Applicant**

Matthew W. Crowder  
30065 General Thomas Highway  
Franklin, VA 23851

**Representative**

R. Edward Railey III  
P.O. Box 40  
Courtland, VA 23837

**Abutting property owners**

Hercules Inc.  
Hercules Plaza  
1313 North Market Street  
Wilmington, DE 19894  
TP 91-33, 92-7, 91-39

Vision Church International  
27198 Shady Brook Trail  
Courtland, VA 23837  
TP 92-21

Lula Mae Barnes  
27210 Shady Brook Trail  
Courtland, VA 23837  
TP 92-20A

Kenneth Barnes  
32041 Riverdale Drive  
Franklin, VA 23851  
TP 92-20

Thomas and Darlene Brown  
27197 Shady Brook Trail  
Courtland, VA 23837  
TP 92-20B (not abutting)

Bessie Nora Edwards Heirs  
652 West Millpond Road  
Roper, NC 27970  
TP 92-8

June M. Duck  
27351 Delaware Road  
Franklin, VA 23851  
TP 92-19G

Carolyn and Mills Edwards  
27017 Delaware Road  
Franklin, VA 23851  
TP 92-24

David and Nancy Ricks  
28086 Delaware Road  
Franklin, VA 23851  
TP 92-28

Allen and Juanita Cotton Life Est  
31153 Sycamore Church Road  
Franklin, VA 23851  
TP 92-31C

Hunter Darden III  
19311 Rosemont Road  
Franklin, VA 23851  
TP 91-23, 91-33